

Request for Reconsideration:

By this amendment, Applicants are amending the specification to correct minor informalities. No claims are amended. No new matter is added by these amendments, and the amendments are fully supported by the specification. Claims 1-58 are currently pending and subject to examination.

Applicants believe that no fees are due as a result of these amendments other than the \$60.00 for the one-month Extension of Time for a small entity. Nevertheless, in the event of any variance between the fees determined by Applicants and the fees determined by the PTO, please charge or credit any such variance to the undersigned's **Deposit Account No. 02-0375**

Remarks:

1. Objections and Rejections

The drawings stand objected under 37 C.F.R. §§ 1.84(p)(5), as allegedly failing to include reference numeral 1045. Claims 37, 39-42, 44 and 45 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Patent No. US 2,493,978 to Kromer. Claims 1-3, 6-8, 10, 14, and 33 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Patent No. US 3,251,629 to Cawley. Claims 4, 5, 15, 16, 23, 35-42, 49, and 51-54 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious over Cawley in view of Patent No. US 5,906,145 to Shepard; claims 9, 11-13, 17-22, 25-29, 32, 58, and 59 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious over Cawley in view of Patent No. US 5,466,995 to Amundson et al. ("Amundson"); and claim 34 stands rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious over Cawley in view of Patent No. US 5,218,766 to Hawley. Moreover, claims 24 and 50 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious over Cawley in view of Shepard and further in view of Patent No. US 5,819,603 to Murray; claim 30 stands rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious over Cawley in view Amundson and further in view of Patent No. US 5,863,100 to Martin; claim 31 stands rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious over Cawley in view of Amundson and Martin, and further in view of Patent No. US 6,116,117 to Nicolosi et al. ("Nicolosi"); and claims 43-48 stand rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious over Cawley in view of Shepard, and further in view of Amundson. In addition, claims 55 and 56 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious over Cawley in view of Shepard and further in view of Martin; and claim 57 stands rejected under 35 U.S.C. §

103(a) as allegedly rendered obvious over Cawley and Shepard in view of Patent No. US 5,001,946 to Shirlin et al. (“Shirlin.”).

2. In the Drawings.

The drawings stand objected to as allegedly failing to include every reference sign mentioned in the description. Applicants are amending the specification in response to this objection. Specifically, Applicants are replacing the reference to a lever 1015 with a reference to a lever 915, which does appear in the figures. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

3. Anticipation Rejections.

As outlined above, Claims 1-3, 6-8, 10, 14, and 33 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Cawley. . “A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131. The Office Action alleges that Cawley discloses each and every element of the rejected claims. Applicants do not agree for at least the reasons listed herein.

a. Claim 1.

Independent claim 1 describes, in part, an apparatus for removing surface coverings, comprising “a sleeve slidably mounted on said first end of said shaft; [and] a bracket pivotably mounted on a first end of said sleeve . . . wherein said bracket is secured to said rod.” (Emphasis added.) Thus, in Applicant’s claimed invention as set forth in independent claim 1, the bracket is (a) pivotably mounted to the sleeve; and (b) secured to the rod.

The Examiner alleges that Cawley describes an apparatus comprising a shaft 50, a sleeve 46, a bracket 102, and a rod 42 which allegedly correspond to Applicant’s claimed shaft, sleeve, bracket and rod. See, e.g., Office Action, Page 3, Lines 1-5. Nevertheless, as clearly shown in Figure 3 of Cawley, bracket 102 is not mounted to sleeve 46, and also is not secured to rod 42. Therefore, Cawley clearly fails to disclose each and every element of independent claim

1. Accordingly, Applicants respectfully request that the Examiner withdraw the anticipation rejections of claim 1.

b. Claims 2-3, 6-8, 10, 14, and 33.

Claims 2-3, 6-8, 10, 14, and 33 depend from independent claim 1. Thus, Applicants respectfully request that the Examiner also withdraw the anticipation rejections of claims 2-3, 6-8, 10, 14, and 33.

3. Obviousness Rejections.

Claims 4, 5, 9, 11-13, 15-32, and 34-59 stand rejected as allegedly rendered obvious by Cawley in view of various combinations of other references. In order for the Office Action to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some apparent reason, either in the reference itself or the combined references or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the cited references, in the manner proposed by the Office Action. Second, the prior art reference or references must disclose or suggest all the claim elements. Third, there must be a reasonable expectation of success. MPEP 2143. The Examiner alleges that Cawley in view of various combinations of other references renders the rejected claims obvious. We disagree with the Examiner's obviousness rejections for at least the reasons listed herein.

a. Claim 35.

Similarly to claim 1, claim 35 describes, in part, an apparatus for removing surface coverings, comprising "a sleeve slidably mounted on said first end of said shaft; [and] a bracket pivotably mounted on a first end of said sleeve . . . wherein said bracket is secured to said rod." (Emphasis added.) As set forth above, Cawley does not disclose these elements. Further, the Examiner does not assert that any other reference provides these missing elements. Therefore, Applicants submit that Cawley, in view of any combination of other cited references, fails to disclose or suggest all the elements of claim 35. Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claim 35.

b. Claims 4, 5, 9, 11-13, 15-32, 24, and 36-59.

Claims 4, 5, 9, 11-13, 15-32, 34, and 36-59 each depend from one of allowable independent claims 1 and 35. "If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious." MPEP 2143.03 (citations omitted). Therefore, Applicants submit that claims 4, 5, 9, 11-13, 15-32, 34, and 36-59 are not rendered obvious by Cawley in view of the various other cited references. Accordingly, Applicants respectfully request that the Examiner withdraw the obviousness rejections of claims 4, 5, 9, 11-13, 15-32, 34, and 36-59.

Conclusion:

Applicants respectfully submit that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicants' representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Respectfully submitted,
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